

APPEAL NO. 022054
FILED SEPTEMBER 23, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 27, 2002. The hearing officer resolved the disputed issue by determining that, as a result of the _____, compensable injury, the appellant (claimant) did not have disability from May 12, 2002, through the date of the hearing. On appeal, the claimant expresses disagreement with this determination. The respondent (carrier) urges affirmance of the hearing officer's decision.

DECISION

We affirm the hearing officer's decision.

The hearing officer's Decision and Order contains a summary of the evidence in this case. Whether the claimant had disability during the claimed period was a factual question for the hearing officer to resolve. Section 410.165(a) provides that the contested case hearing officer, as the finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701, 702 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer explained that the light-duty job that the claimant was performing immediately prior to the claimed starting date of disability did not require the claimant to work outside her medical restrictions and that there was no aspect of the job that the claimant was unable to perform. After reviewing the conflicting evidence, the hearing officer concluded that the claimant did not have disability between May 12, 2002, and the date of the hearing. As an appellate reviewing tribunal, the Appeals Panel will not disturb a challenged factual finding of a hearing officer unless it is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find it to be so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT PARNELL
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TEXAS 75231-4813.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge